

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER DENYING DEFENDANT'S  
MOTION FOR MODIFICATION OF  
SCHEDULING ORDER**

INTERNATIONAL BUSINESS MACHINES,

Defendant(s).

On May 22, 2006, the Court scheduled a hearing date of July 20, 2006 for defendant International Business Machine's ("IBM") motion to dismiss for repeated and willful failures to comply with the Court's discovery orders. Doc. #545. Now before the Court is IBM's administrative motion to modify the scheduling order. Doc. #546. Under IBM's proposed schedule, its reply brief would be filed on or before June 9 and the hearing would be held on June 15, less than one week later. Given the severity of the requested sanctions, the Court finds that the full briefing period under Civil Local Rule 7 is necessary, as is the two-week period between the date IBM files its reply and the date of the hearing. Further, although IBM contemplates an order from the Court on the same date as the hearing, again, given the severity of the requested sanctions, this is unlikely. Accordingly, the Court hereby DENIES IBM's request.

**IT IS SO ORDERED.**

Dated: May 23, 2006

  
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MARIA-ELENA JAMES  
United States Magistrate Judge